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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/383,688 08/26/99 CHENG

A CHENG-104

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TM02/1004

EXAMINER

SMITH, S

ART UNIT

PAPER NUMBER

2683

DATE MAILED:

10/04/01

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.

09/383,688

Applicant(s)

Cheng

Examiner

Sheila Smith

Art Unit

2683



– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1) ☐ Responsive to communication(s) filed on \_\_\_\_\_

2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

## Disposition of Claims

4) ☒ Claim(s) 1-7 is/are pending in the application.

4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.

6) ☒ Claim(s) 1-7 is/are rejected.

7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.

8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirements.

## Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved.

12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

a) ☐ All b) ☐ Some\* c) ☐ None of:

1. ☐ Certified copies of the priority documents have been received.

2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.

3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\*See the attached detailed Office action for a list of the certified copies not received.

14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

15) ☒ Notice of References Cited (PTO-892)

18) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_

16) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)

19) ☐ Notice of Informal Patent Application (PTO-152)

17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_

20) ☐ Other: \_\_\_\_\_

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## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Heller (U. S. Patent Number 6,154,139).

Regarding *claims 1,7* Heller discloses essentially all the claimed invention as set forth in the instant application, further Heller discloses method and system for locating subjects within a tracking environment. In addition Heller discloses a placing probes at locations in local areas, modeling local with specific information, deploying mobile, sending out beacons, responding by mobile, gathering of whereabouts, calculating probable location, notifying mobile, updating possible changes as disclosed in column 2 lines 30-67 and column 4 lines 5-26. However, Heller fails to specifically disclose a plurality of probes.

Regarding a plurality of probes, Heller discloses a plurality of transmitters as disclosed in column 2 lines 13-28. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Heller with a plurality of probes for the purpose of extending the range of the unit.

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Regarding *claims 2, 3, 5*, Heller discloses everything claimed, as applied above (see claim 1 ) additionally, Heller discloses calculating battery life, calculate number of mobiles to local, communication with probe, sending messages as disclosed in column 6 lines 33-40.

Regarding *claims 4,6* Heller discloses everything claimed, as applied above (see claim 1 ) additionally, Heller discloses retrieving current location, mapping current location, alerting as disclosed in column 6 lines 55-60.

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***Citation of Pertinent Prior Art***

2. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

***Fischbach*** (U. S. Patent Number 6,246,323) discloses method and system for tracking a vehicle;

***Issacman et al.*** (U. S. Patent Number 6,127,928) discloses method and apparatus for locating and tracking documents and other objects;

***Mathis*** (U. S. Patent Number 5,948,043) discloses navigation system using GPS data;

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*Conclusion*

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sheila Smith whose telephone number is (703) 305-0104. The examiner can normally be reached on Monday through from 6:30 a.m. to 3:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached (703)308-5318. The technical center receptionist phone number is (703) 305-4700. The fax number for the group is (703) 308-6306.

S. Smith

October 1, 2001



WILLIAM TROST  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600